

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IDS PROPERTY AND CASUALTY
INSURANCE COMPANY, an admitted
insurer,
Plaintiff,
vs.
CHARLES H. FELLOWS,
Defendant.

) Case No. 2:15-cv-02031-TSZ
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)
) ORDER ON PLAINTIFF'S MOTION
) *IN LIMINE*
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Plaintiff IDS Property and Casualty Insurance Company's Motion *in Limine*, docket no. 126, is GRANTED in part, DENIED in part, and DEFERRED in part, as follows:

MOTION 1 to preclude all evidence or argument regarding alleged or inferred bias against defendant Charles H. Fellows is DENIED.

MOTION 2 is GRANTED in part as to non-party witnesses, and DEFERRED in part as to expert witnesses.

MOTION 3 to preclude evidence and argument of the Insurance Fair Conduct Act is DENIED.

MOTION 4 to preclude all evidence or argument of trebling of damages is GRANTED.

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1 MOTION 5 to preclude all evidence or argument invoking the “Golden Rule” or the
2 “consciousness of the community” is GRANTED.

3 MOTION 6 to preclude all evidence or argument based upon the 2009 manual authored
4 by Ball & Kennan entitled *Reptile: 2009 Manual of the Plaintiff’s Revolution* is GRANTED.

5 MOTION 7 to preclude all lay witness opinions or legal conclusions on ultimate issues,
6 including, but not limited to, replacement cost value is DENIED.

7 MOTION 8 to preclude all evidence or argument regarding Replacement Cost Value for
8 personal property is DENIED.

9 MOTION 9 to preclude all evidence or argument regarding speculative damages is
10 DEFERRED.

11 MOTION 10 to preclude all personal opinions of counsel is GRANTED.

12 MOTION 11 is GRANTED as to post-litigation settlement offers, demands, negotiations,
13 discussions, or conferences. Except as granted, MOTION 11 is otherwise DENIED.

14 MOTION 12 to preclude all evidence or references to the expenses of litigation is
15 DENIED.

16 MOTION 13 to preclude all evidence or argument of discovery disputes, litigation
17 strategy or tactics, these motions *in limine*, and other pretrial motions is DEFERRED.

18 MOTION 14 to preclude all evidence or argument regarding the alleged “reputation,”
19 “habits,” and/or “violations” of Washington law of and/or by Daniel E. Thenell or Thenell Law
20 Group, PC is DEFERRED.

21 MOTION 15 to preclude all evidence not produced in discovery except for evidence used
22 for impeachment pursuant to LCR 16(h)(6) is GRANTED.

23 MOTION 16 to preclude all evidence or testimony from Paul Pederson is DENIED.

24 MOTION 17 to preclude all evidence or argument of emotional distress is DENIED.

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MOTION 18 to preclude all evidence or argument as to Fellows's status as an insured under the applicable insurance policy is DENIED.

IT IS SO ORDERED.

DATED this 8th day of March, 2017.

Thomas S. Balle

Thomas S. Zilly
United States District Judge

RESPECTFULLY SUBMITTED BY:

Dated: February 23, 2017.

By: /s/ Daniel E. Thenell
Daniel E. Thenell, WSBA No. 37297
Email: Dan@ThenellLawGroup.com
Alexander H. Hill, *pro hac vice*
Email: AlexH@ThenellLawGroup.com
Of Attorneys for Plaintiff IDS Property
and Casualty Insurance Company

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